

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**CASE NO. 22-80380-CIV-CANNON/Reinhart**

**CAPITOL RECORDS, LLC  
and CAPITOL CMG, INC.,**

Plaintiffs,

v.

**JULIA MELLERSKI,  
JOHN MARK OSSENMACHER,  
JASON JOHN OSSENMACHER,  
TRANSFER TRUST, LLC,  
and OWM, LLC,**

Defendants.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION [ECF No. 33]**

**THIS CAUSE** comes before the Court upon the Magistrate Judge's Report and Recommendation regarding Defendants' Motion to Dismiss Complaint (the "Report") [ECF No. 33], filed on August 30, 2022. On June 30, 2022, Defendants Julia Mellerski, John Mark Ossenmacher, and Jason John Ossenmacher filed a Motion to Dismiss Plaintiff's Complaint (the "Motion") [ECF No. 17]. On August 30, 2022, following referral, Judge Reinhart issued a Report recommending that the Motion be denied [ECF No. 33 p. 2]. Objections to the Report were due on September 13, 2022 [ECF No. 33 pp. 17–18]. No party filed objections, and the time to do so has expired [ECF No. 33 p. 17].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822

CASE NO. 22-80380-CIV-CANNON/Reinhart


(11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following de novo review, the Court finds the Report to be well reasoned and correct. For the reasons set forth in the Report [ECF No. 33 pp. 12–17], it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 33] is **ACCEPTED**.
2. The Motion to Dismiss the Complaint [ECF No. 17] is **DENIED**.
3. On or before **October 31, 2022**, Defendants shall file separate answers to the Complaint [ECF No. 1].

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida this 14th day of October 2022.

  
AILEEN M. CANNON  
UNITED STATES DISTRICT JUDGE

cc: counsel of record